

REMARKS

Claims 9-13 remain pending, of which claims 1-8 are withdrawn.

Rejection of Claims 9-13 under 35 U.S.C. §112, first paragraph

The Examiner has rejected claims 9-13 under 35 U.S.C. §112, first paragraph as failing to comply with the written description requirement.

In particular, the Examiner alleges that the written description requirement is not met by the limitation “refining the plurality of phase shifters”.

One way to prove compliance with the written description requirement is to indicate where the disputed claim limitations are supported by the specification. MPEP 2163 *et seq.*

The disputed limitation is supported by at least the following parts of the specification:

- 1) “In some embodiments, the shifter shapes are then refined to fill certain open areas within the maximum shifter area.” Paragraph [0013], emphasis added.
- 2) “Phase can then be assigned to the shifter shapes according to the dependencies and the cost functions. After that, same phase shifters can be merged together filling some of the previously open cut spaces. Additional refinements are provided by some embodiments of the invention including removal of small shifters, squaring of corners, and filling open spaces with the dominant or subordinate phase.” Paragraph [0015], emphasis added.
- 3) “FIG. 28 illustrates the layout of FIG. 27 after additional refinement of the shifter shapes according to the process of FIG. 25.” Paragraph [0047], emphasis added. See also paragraph [0103]-[0104] discussing FIG. 28.
- 4) “FIG. 31 illustrates the refinement of phase shifters through flood filling using the dominant phase.

FIG. 32 illustrates the refinement of phase shifters through flood filling using the dominant phase.

FIG. 33 illustrates the refinement of phase shifters through flood filling using the subordinate phase.

FIG. 34 illustrates the refinement of phase shifters through squaring off and flood filling using the dominant phase.

FIG. 35 illustrates the phase layer for the layout of FIG. 30 after refinement of the shifters according the process of FIG. 25.” Paragraphs [0050]-

[0054], emphasis added. See also paragraphs [0113]-[0118] discussing FIGS. 31-35.

5) “Next, at step 2570, further refinement of the shifters occurs. This includes flood filling cuts with the dominant phase of the adjoining areas....” Paragraph [0112], emphasis added.

The disputed limitation is supported by numerous parts of the specification. The Examiner has not carried the initial burden of making a written description rejection. MPEP 2163.04. Accordingly, reconsideration of the written description rejection of claims 9-13 is respectfully requested.


CONCLUSION

It is respectfully submitted that this application is now in condition for allowance, and such action is requested.

The Commissioner is hereby authorized to charge any fee determined to be due in connection with this communication, or credit any overpayment, to our Deposit Account No. 50-0869 (NMTI 1002-26).

Respectfully submitted,

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